

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

BENJAMINE MICHAEL THOMPSON,)
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Petitioner,)
)
)
vs.) Case No. CIV-09-878-M
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JUSTIN JONES, et al.,)
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Respondents.)

ORDER

On August 13, 2009, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this action. The Magistrate Judge recommended that this Court: (1) deny petitioner's motion for leave to proceed *in forma pauperis*, (2) order payment of the filing fee, and (3) dismiss the action without prejudice if petitioner fails to timely pay the filing fee or show good cause for the failure to do so. Petitioner was advised of his right to object to the Report and Recommendation. A review of the file reveals no objection has been filed.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on August 13, 2009;
- (2) DENIES petitioner's motion for leave to proceed *in forma pauperis* [docket no. 2]; and
- (3) ORDERS petitioner to pay the \$5.00 filing fee in this case within twenty days of the date of this Order. The Court would advise petitioner that this action will be dismissed without prejudice if he fails to timely pay the filing fee or show good cause for the failure to do so.

IT IS SO ORDERED this 15th day of September, 2009.



VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE